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TAGS: PHUM PREL EU VM ETMIN HUMANR RELFREE

SUBJECT: VIETNAM ENGAGES THIRD COUNTRIES ON HUMAN RIGHTS

Reftels: A) Hanoi 2193 and previous, B) Hanoi 1615, C) Hanoi

1676, D) 03 Hanoi 3277

¶11. (SBU) Summary: Vietnam has been actively engaging third countries in formal exchanges on human rights issues, including hosting the annual Canada-China-Norway human rights forum, carrying out a bilateral discussion on the death penalty with EU countries and conducting the bi-annual EU-Vietnam Human Rights Dialogue. While the three fora are more focused on process and discussion rather than concrete results, Vietnam did pledge to the Europeans to reduce the number of crimes subject to capital punishment. End Summary.

Canada-China-Norway Dialogue

¶12. (SBU) Vietnam hosted the December 9-10 Canada-China-Norway Dialogue at the request of the Government of Norway (which also funded this year's meeting.) A Norwegian Embassy officer told Poloff that this was the sixth time the three countries had held their trilateral dialogue, to which an increasing number of other countries in the region have been invited. In addition to the three principals, all ASEAN members were represented save Burma, Cambodia and Brunei, and delegations also came from South Korea, Japan, Mongolia, Australia, New Zealand, Afghanistan, Nepal and Pakistan. Norway wished to invite North Korea, but this was vetoed by China on the grounds that "Vietnam does not have good relations" with that country. (Note: Vietnam and North Korea generally maintain positive relations as socialist brethren, although ties have been strained by after the approval for South Korea to fly 458 refugees from Ho Chi Minh City to Seoul last July. (Ref A).) Each national delegation consisted of one official participant and one non-Government representative, mostly members of NGOs. Vietnam also sent twenty observers, including from the Ministries of Justice, Public Security and Labor, Invalids and Social Affairs.

¶13. (SBU) The dialogue was centered on four themes: freedom of expression, in which the Canadian Government took the lead; women's rights and the effect of globalization on human rights, in which China took the lead for both issues; and corporate and social responsibility, in which Norway headed the discussion. A Canadian diplomat noted that participants questioned her presenter extensively on the Canadian Government's limits on "hate speech" and on information that could be accessed on the internet. Vietnam repeatedly brought up Article 19 of the International Covenant on Civil and Political Rights (which states restriction on speech may be necessary "for the protection of national security and public order") in justifying its limitations of free speech.

¶14. (SBU) The Canadian diplomat commented that there was "informal and open discussion" at the forum, which was not focused around specific goals or results. The Norwegian diplomat said that, at the forum, representatives from Indonesia, Thailand, Malaysia and Mongolia suggested the establishment of an Asian nations-only dialogue on human rights, although other countries were tepid about this. He also noted that the Vietnamese Ministry of Public Security was sufficiently concerned that dissidents would try to use the conference to air grievances that it "insisted" on posting guards at the entrances to the venue.

Death Penalty Seminar

¶15. (U) From November 24 to 26, the EU carried out a seminar for Vietnamese officials on the abolition of the death penalty, as agreed to in last summer's EU - Vietnam dialogue (Ref. B). The seminar was coordinated by the Danish Institute for Human Rights Studies, which brought in experts from the United States, South Korea, the United Kingdom and Eastern Europe to discuss their respective countries' experiences with capital punishment. At the seminar the GVN promised to end capital punishment for three crimes right away, said that it would "consider reducing" the number of crimes subject to the death penalty to 21 (from the current

29) by 2007, and stated that abolition of the death penalty is a "long term objective." EU participants did not recall specifically for which crimes capital punishment would be abolished, but said they believed that they are economic crimes. The Ministry of Public Security (MPS) was insistent that the death penalty is an important tool in its efforts to combat drug trafficking, however.

16. (SBU) European Commission diplomats commented they were pleased by the broad range of participation at the seminar, which included representatives from several government ministries, and also representatives from thirty provincial-level departments of justice. They also noted that only the first two days of the seminar involved foreign involvement, while the third was for Vietnamese participants only. They GVN has refused to provide to EU missions a readout of this final day, but a Dutch diplomat commented that merely having the closed-door session suggested serious discussions on the issue.

EU-Vietnam Human Rights Dialogue

17. (U) On December 9 and 10, the European Union held the full session of its bi-annual human rights dialogue with the GVN. The dialogue is held in Hanoi by the EU Troika Ambassadors at mid-year with only MFA counterparts, and at the end of the year with representatives from a number of GVN ministries. Participating in this year's session were representatives from the Ministries of Foreign Affairs (MFA), Public Security (MPS), Justice (MOJ) and Culture and Information (MCI), as well as the Committee for Religious Affairs (CRA), the Office of the Government and the Ho Chi Minh Political Academy. In this year's dialogue, the GVN suggested some future sessions could be held in Brussels. EU participants demurred, but proposed study trips to the EU could be arranged around specific issues discussed in the dialogues.

18. (SBU) Giving Poloff a readout of the dialogue, a Dutch diplomat recounted that Vietnam chose four topics and led discussion in all of them, and the EU did the same. The GVN's first topic was "Vietnam's approach to human rights," in which it declared that the Vietnamese Government is solely responsible for the protection of human rights in Vietnam. It also accused the EU of holding Vietnam to a double standard on human rights, saying that the Europeans had participated in actions "depriving Iraqis of their freedom," with which the EU ambassadors expressed their disagreement. Vietnam also led a discussion on the issue of "discrimination against minorities and migrants in the EU," raising specifically the question of Muslim migrants. The third discussion topic was the issue of "the abuse of the issue of human rights by some NGOs in the EU," in which it referred specifically to the support that Italy's Transnational Radical Party gave to the Montagnard Foundation (Ref C). Finally the Vietnamese discussed "detention and treatment of prisoners in the United States and United Kingdom," in which it again accused the EU of holding Vietnam to double standards and pointed specifically to the abuse of prisoners in Abu Ghraib.

19. (SBU) The European Union led a discussion on the "exercise of fundamental freedoms," in which it focused on GVN limits on freedom of expression, the media, freedom of religion and freedom of association. As part of this, the Europeans specifically requested foreign journalists be allowed longer-term visas. (Note: Foreign journalists resident in Vietnam are currently given three-month visas, and visa renewal is sometimes used by the GVN to pressure journalists on their story content. End note.) Responding on this discussion subject, the CRA stated that it had "developed measures to distinguish between real Protestants and Dega Protestants," and would now facilitate the registration of "real" Protestant churches. The MCI stated that it is trying to strike a balance between "popularizing" the internet and ensuring that no "incorrect information" is spread through it.

110. (SBU) On the issue of "ethnic minorities and the Central Highlands," the EU raised concerns over the number of people detained after protests last April. In response, the GVN said that it is "working with the UNHCR to resolve the problem." On "persons of concern/fair trial/transparency," the EU urged Vietnam to ratify the United Nations Convention Against Torture, urged access to trials by international observers and requested information on a list of prisoners previously provided. The GVN provided little response to this, although the MPS acknowledged that Vietnam's laws are "not in accordance" with international human rights laws and that it is "moving to align them." The EU's final issue was "the death penalty," at which it raised concerns about the high numbers of people subjected to capital punishment in Vietnam.

111. (SBU) Overall, the Dutch diplomat said that the EU participants felt that the "whole atmosphere of the dialogue

was better" this year as compared to last December's session (Ref D). She noted that, this year, the dialogue was a full day -- it had previously been a half-day only -- that there was more interaction between the two sides and that the GVN participants appeared "more confident." She acknowledged, however, that there had been "no concrete replies" by the GVN to issues raised by the EU participants at the dialogue.

BOARDMAN